

**A G E N D A**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**November 9, 2017**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. October 12, 2017 Meeting Minutes

**D. OLD BUSINESS**

1. Case No. ZO-0001-2017. Proposed Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations – Stage III
2. Zoning Ordinance Revisions to Permit Short-Term Residential Rentals - Stage III

**E. NEW BUSINESS**

**F. ADJOURNMENT**

**AGENDA ITEM NO. C.1.**

**ITEM SUMMARY**

DATE: 11/9/2017

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: October 12, 2017 Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
▣	October 12, 2017 Meeting Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	11/3/2017 - 11:36 AM
Policy	Holt, Paul	Approved	11/3/2017 - 11:53 AM
Publication Management	Burcham, Nan	Approved	11/3/2017 - 11:55 AM
Policy Secretary	Secretary, Policy	Approved	11/3/2017 - 1:59 PM

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**October 12, 2017**  
**4:00 PM**

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**A. CALL TO ORDER**

Mr. Jack Haldeman called the meeting to order at approximately 4 p.m.

**B. ROLL CALL**

Present:

Jack Haldeman, Chair

Rich Krapf

Heath Richardson

Danny Schmidt

Staff:

Tammy Rosario, Principal Planner

Christy Parrish, Zoning Administrator

Tom Leiningner, Community Development Assistant

Darryl Cook, Assistant Director of Stormwater and Resource Protection, Floodplain Manager

**C. MINUTES**

1. September 14, 2017 Meeting Minutes

Mr. Rich Krapf made a motion to Approve the September 14, 2017, meeting minutes.

The motion passed 4-0.

**D. OLD BUSINESS**

There was no old business.

**E. NEW BUSINESS**

1. Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations

Mr. Jack Haldeman opened the discussion.

Ms. Christy Parrish stated that staff identified the need to update the floodplain ordinance to allow accessory structures to be wet-proofed when located in a special flood hazard area, specifically structures such as sheds and garages on residentially zoned properties. She stated that all accessory structures are considered non-residential

according to the Federal Emergency Management Agency (FEMA). She stated that all non-residential structures currently would have to be watertight flood-proofed or elevated. She stated that staff has been working with the Department of Conservation and Recreation (DCR) and looked at their guidance to allow structures of 600 square feet or less to have wet-proof construction options. Ms. Parrish stated that are two options in DCR's model ordinance. She stated that the first option is to not permit the structures in a flood zone, and option two would be to permit them with adherence to specific standards. She stated that staff recommends option two to provide flexibility to homeowners. She stated that staff also is working with DCR to confirm that the current floodplain ordinance is in compliance with the National Flood Insurance Program (NFIP). Ms. Parrish stated that the County is scheduled to be audited in 2018 by FEMA. She stated that DCR has updated their model ordinance, but it is under review by the Attorney General's Office. Ms. Parrish asked if there were any questions.

Mr. Heath Richardson asked how far along other localities were with their own revisions to the floodplain ordinance.

Ms. Parrish stated that Norfolk has included the new revisions. She stated that she can review the floodplain ordinance of York County, Hampton and Newport News. She stated that the new ordinance would not affect the County Community Rating System (CRS) rating. She stated that the new ordinance would allow a garage to have flood openings below the base flood elevation (BFE).

Mr. Rich Krapf asked what the difference was between a floodplain and a floodway.

Ms. Parrish stated that the channel that goes through the floodplain is the floodway. She stated that structures are not allowed in the floodway. She stated that Powhatan Creek has a designated floodway.

Mr. Krapf asked if the current structures in the floodplain would be grandfathered in.

Ms. Parrish confirmed. She stated that if the structure were to be improved or modified, then it would be required to be elevated.

Mr. Krapf asked if there was a dollar threshold.

Ms. Parrish stated that the amount is 50% of the market value of the structure. She stated that if a citizen wanted to do an addition less than 50% of the value, only the new section would need to be compliant.

Mr. Danny Schmidt asked how uninsured small structures would be affected.

Ms. Parrish stated that the structures would still need to follow the same construction guidelines. She stated that the proposed ordinance would allow for some flexibility with the wet-proofing construction option. She stated that the structures would have the appropriate flood vents to allow water in and out of the structure. She stated that any structure over 600 square feet would need to be elevated or dry flood proofed. She stated that no variance could be given to wet-proof a structure over 600 square feet.

Mr. Jack Haldeman asked what would result if the County did not have a compliant ordinance. He asked if the insurance premiums would be affected as well.

Ms. Parrish confirmed and stated that the County could be suspended from the program, which would eliminate federally-backed insurance for the residents living in the floodplain.

Mr. Schmidt asked about the resident building a new garage in the floodplain.

Ms. Parrish stated that the structure is a 600-square-foot garage. She stated that staff spoke with DCR regarding the structure not having a first floor because it is not livable. She noted that DCR stated that all structures have a first floor.

Mr. Haldeman asked when the changes requested by DCR would be brought to the Policy Committee.

Ms. Parrish stated that staff will present the changes at the November Policy meeting.

Mr. Krapf asked how specific the ordinance is regarding the flood vents.

Ms. Parrish stated that the flood openings must be approved and certified.

Mr. Richardson stated that he is supportive of option two.

Ms. Parrish stated that staff will have all items for the November Policy meeting.

Mr. Haldeman asked if there were any other questions.

Mr. Haldeman closed the discussion.

## **F. ADJOURNMENT**

Mr. Krapf made a motion to Adjourn. The motion passed unanimously.

Mr. Haldeman adjourned the meeting at approximately 4:20 p.m.

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Mr Jack Haldeman, Chair

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Mr. Paul Holt, Secretary

**AGENDA ITEM NO. D.1.**

**ITEM SUMMARY**

DATE: 11/9/2017

TO: The Policy Committee

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Case No. ZO-0001-2017. Proposed Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations – Stage III

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**ATTACHMENTS:**

	Description	Type
▣	Memorandum	Cover Memo
▣	Draft Ordinance Revision	Ordinance

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	11/3/2017 - 11:38 AM
Policy	Holt, Paul	Approved	11/3/2017 - 11:59 AM
Publication Management	Burcham, Nan	Approved	11/3/2017 - 12:05 PM
Policy Secretary	Secretary, Policy	Approved	11/3/2017 - 1:59 PM

## MEMORANDUM

DATE: November 9, 2017

TO: The Policy Committee

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Case No. ZO-0001-2017. Proposed Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations – Stage III

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The Policy Committee met on October 12, 2017 (Stage I) to discuss updates to the Ordinance to address the construction regulations of small accessory structures in the special flood hazard area. At that meeting, the Committee gave preference to Option 2 to permit wet-proofing construction standards for small accessory structures in the special flood hazard area to provide a lower construction cost option for property owners.

Since that time, staff has consulted with the Department of Conservation and Recreation and Federal Emergency Management Agency Region III to review all sections of the Floodplain Area Regulation to ensure compliance with the National Flood Insurance Program. Staff has received minor updates to address keeping records in perpetuity in Section 24-588(c) and other various changes to clarify the intent of Sections 24-590(a), 24-592, 24-595(a)(2)(5)(7) and 24-597(a). All changes have been incorporated in the attached Ordinance revision for your review.

### **Recommendation**

Staff looks forward to discussing this item with the Policy Committee. Staff recommends the Policy Committee recommend approval of these changes and forward its recommendation to the Planning Commission.

CHP/gt  
ZO1-17Floodplain

### **Attachment:**

1. Draft Ordinance Revision

## ARTICLE 1. – IN GENERAL

### Sec. 24-2. Definitions

Accessory building or structure. A subordinate building or structure customarily incidental to and located upon the same lot occupied by the main use or building. With the exception of detached accessory apartments, as may be approved by a special use permit, no such accessory building or structure shall be used for housekeeping purposes. Garages or other accessory structures such as carports, porches, decks and stoops attached to the main building shall be considered part of the main building. Accessory buildings and structures located ten feet or less from a main structure shall be considered part of the main structure for the purpose of determining side and rear yards. (Refer to the definition of "structure.") *Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, an accessory building or structure shall be considered non-residential.*

*Dry floodproofing – Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, dry floodproofing is a combination of measures that results in a structure, including the attendant utilities and equipment, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.*

*Wet floodproofing – Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, wet floodproofing is a floodproofing method that relies on the use of flood damage-resistant materials and construction techniques in the areas of a structure that are below the elevation required by this standard by intentionally allowing those areas to flood.*

## DIVISION 3. - FLOODPLAIN AREA REGULATIONS

### Sec. 24-586. - Statement of intent.

- (a) This section is adopted pursuant to the authority granted to localities by Virginia Code § 15.2-2280. These regulations are intended to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
  - (1) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, may cause unacceptable increases in flood heights, velocities and frequencies;
  - (2) Restricting or prohibiting certain uses, activities and development within districts subject to flooding;
  - (3) Requiring uses, activities and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and
  - (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- (b) These regulations comply with the requirements of the National Flood Insurance Program (42 USC 4001-4128) of the Federal Insurance Administration. These regulations are necessary in order for all property owners within the county to be eligible for the National Flood Insurance Program and thereby purchase such insurance at nominal rates.

(Ord. No. 31A-127, 10-29-90; Ord. No. 31A-228, 9-25-07; Ord. No. [31A-301](#), 10-13-15)



Sec. 24-587. - Applicability.

These regulations shall apply to all property located within an area designated as a floodplain area, and as such shall supplement the regulations of the zoning district within which such property is located. Where these regulations are at variance with other provisions of this chapter, it is intended that these regulations shall apply. These regulations shall only apply to property which is designated as being within a floodplain area.

(Ord. No. 31A-127, 10-29-90)

Sec. 24-588. - Compliance, liability, abrogation and severability.

- (a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of these regulations and any other applicable ordinances and regulations; including, but not limited to: the Virginia Uniform Statewide Building Code (USBC), the Virginia Industrialized Building Safety Regulations (IBSR), and the Manufactured Home Safety Regulations (MHSR).
- (b) The degree of flood protection sought by the provisions of these regulations is for reasonable regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damage.
- (c) Records of actions associated with administering these regulations shall be kept on file and maintained by the director of community development or his designee *in perpetuity*.
- (d) These regulations shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.
- (e) Any person who fails to comply with any requirement or provision of this article shall be guilty of the appropriate violation and subject to penalties set forth in section 24-22 of this chapter.
- (f) To the extent that the provisions are more restrictive than previous requirements, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict, it shall remain in full force and effect. These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinances, the more restrictive shall govern.
- (g) If any section, subsection, paragraph, sentence, clause, or phrase of this division shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this division. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this division are hereby declared to be severable.

(Ord. No. 31A-127, 10-29-90; Ord. No. 31A-228, 9-25-07; Ord. No. 31A-258, 11-22-11; Ord. No. 31A-291, 8-13-13; Ord. No. [31A-301](#), 10-13-15; Ord. No. [31A-306](#), 10-11-16)

Sec. 24-589. - Definitions and administrator.

The terms used in these regulations are defined in section 24-2 of this chapter except for the board of zoning appeals, which is defined in section 24-645. The administrator of these regulations is set forth in section 24-5 of this chapter.

(Ord. No. 31A-228, 9-25-07; Ord. No. [31A-301](#), 10-13-15)

Sec. 24-590. - Designation of floodplain districts.

- (a) The various floodplain districts shall include areas subject to inundation by waters of the one percent annual chance (100-year) flood. The minimum basis for the delineation of these districts shall be, but not be limited to, the December 16, 2015 ~~flood insurance study and flood insurance rate maps~~ *Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs)* prepared by the Federal Emergency Management Agency (FEMA), ~~Federal Insurance Agency (FIA)~~ and subsequent revisions or amendments thereto. ~~since other~~ *Other* flood-prone areas exist in James City County which are not shown on the floodplain maps. ~~To determine these areas,~~ *In these unmapped flood-prone areas, and in areas with no base flood elevation is provided by the FIRM/FIS, the best available data* for the one percent annual chance (100-year) flood elevations and floodways from federal, state and local sources ~~may~~ *shall* be used when available. Where the specific one percent annual chance (100-year) flood elevation cannot be determined for an area by using available sources of data, then the applicant for the proposed use, development and/or activity shall determine this elevation to the satisfaction of the director of community development or his designee in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall consider full development of the watershed and shall be submitted in sufficient detail to allow a thorough review by the director of community development or his designee.

Where flood elevations are provided by the FIA, these elevations shall not be changed except with FEMA approval. Local sources of flood-prone area data include, but are not limited to, the Mill Creek-Lake Powell Watershed Study, GKY and Associates, 1988 report, locally approved watershed management plans and comprehensive drainage studies.

When base flood elevations have increased or decreased resulting from physical changes affecting flooding conditions, technical or scientific data shall be submitted to FEMA no later than six months after the date such information becomes available. Such submission is necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirement will be based upon current data.

- (b) The floodway district, minimally shown on the maps accompanying the flood insurance study, is established for purposes of these regulations using the criterion that certain areas within the floodplain must be kept free of encroachment in order that the one percent annual chance (100-year) flood be conveyed without increasing the water surface areas included in this district.
- (c) The flood-fringe district shall be that area of the one percent annual chance (100-year) flood not included in the floodway district. The basis for the outmost boundary of the district shall be the one percent annual chance (100-year) elevations minimally shown as Zones AE and AO on the maps accompanying the flood insurance study.
- (d) The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided but where a one percent annual chance (100-year) flood boundary has been approximated. Such areas are minimally shown as Zone A on the maps accompanying the flood

insurance study. Consider other available data such as presented in subsection (a) of this section as the basis for elevating residential structures to or above base flood level, and for floodproofing or elevating nonresidential structures to or above base flood level.

- (e) Coastal A zones shall be those areas as defined by the Virginia Uniform Statewide Building Code that are subject to wave heights between 1.5 feet and 3 feet and identified on the FIRM as AE areas that are seaward of the Limit of Moderate Wave Action (LiMWA) line.
- (f) Coastal high-hazard area districts shall be those portions of land within the coastal floodplain subject to inundations by high velocity waters and wave action greater than three feet. Such areas are minimally shown as Zones V and VE.

(Ord. No. 31A-127, 10-29-90; Ord. No. 31A-179, 9-8-98; Ord. No. 31A-228, 9-25-07; Ord. No. 31-258, 11-22-11; Ord. No. 31A-286, 12-11-12; Ord. No. [31A-301](#), 10-13-15; Ord. No. [31A-306](#), 10-11-16)

#### Sec. 24-591. - Official map.

The boundaries of floodway, flood-fringe and approximated floodplain districts in section 24-590(b), (c) and (d) above are established as minimum areas, as shown on the flood insurance rate map dated December 16, 2015, which is declared to be a part of these regulations and which shall be kept on file at the office of the director of community development.

(Ord. No. 31A-127, 10-29-90; Ord. No. 31A-179, 9-8-98; Ord. No. 31A-228, 9-25-07; Ord. No. [31A-301](#), 10-13-15; Ord. No. [31A-306](#), 10-11-16)

#### Sec. 24-592. - Permits.

*A permit is required for all proposed construction and other developments, including the placement of manufactured homes, within the floodway or any floodplain district.* An application for subdivision, site plan, rezoning, building permit, special use permit, Virginia Erosion and Sediment Control Program/Virginia Stormwater Management Program permit, wetlands permit or other local development permit shall be considered an application for development under these regulations. The applicant shall be informed of the provisions of this article as they may apply to the property and no permit shall be issued until the applicant has complied with such provisions.

(Ord. No. 31A-127, 10-29-90; Ord. No. [31A-301](#), 10-13-15)

#### Sec. 24-593. - Permitted uses.

Permitted uses, special permit uses, accessory uses, dimensional standards and special requirements shall be as established by the underlying zoning district except as specifically modified herein.

(Ord. No. 31A-127, 10-29-90)

#### Sec. 24-594. - Prohibited uses.

- (a) The following uses shall be specifically prohibited within all floodplain districts:
  - (1) Sanitary landfills, junkyards, outdoor storage of inoperative vehicles.
  - (2) Manufactured homes.
  - (3) Surface mines and borrow pits.

(4) Manufacture, bulk storage, transformation or distribution of petroleum, chemical or asphalt products or any hazardous materials as defined in either or both of the following:

- a. Superfund Amendment and Reauthorization Act of 1986.
- b. Identification and Listing of Hazardous Wastes, 40 CFR section 261 (1987).

The following products shall be specifically included:

- i. Oil and oil products including petrochemicals.
- ii. Radioactive materials.
- iii. Any material transported or stored in large commercial quantities (such as 55-gallon drums) which is a very soluble acid or base, causes abnormal growth of an organ or organism, or is highly biodegradable, exerting a strong oxygen demand.
- iv. Biologically accumulative poisons.
- v. Substances containing the active ingredients of poisons that are or were ever registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 USC 135 et seq.).
- vi. Substances highly lethal to mammalian or aquatic life.

(5) Storage or land application of industrial wastes.

(6) Outdoor storage of equipment, materials or supplies which are buoyant, flammable or explosive.

(b) Nonconforming uses of this chapter notwithstanding, no expansion of any of the above uses located within the floodplain district shall be permitted.

(Ord. No. 31A-127, 10-29-90)

Sec. 24-595. - Regulations for construction.

a) The construction or placement of any structure or obstruction, filling or changing the cross-section or flow characteristics within the one percent annual chance (100-year) flood shall not be permitted unless the project is in conformance with the following requirements:

- (1) All construction shall use methods that minimize flood damage and which are in accordance with the Virginia Uniform Statewide Building Code. Structures shall be constructed with materials and equipment resistant to flood damage and shall be anchored to prevent floatation, collapse, or lateral movement.
- (2) The finished elevation of the lowest floor, including the basement or cellar of any building, shall have at least two feet freeboard above the one percent annual chance (100-year) flood elevation. For nonresidential structures, *excluding accessory structures which conform to 24-595(a)(9), watertight dry* floodproofing up to the level of two feet freeboard in accordance with the Virginia Uniform Statewide Building Code may be provided in lieu of the finished grade requirement described herein.
- (3) Utility and sanitary facilities, including but not limited to mechanical, plumbing and electrical systems and gas lines, shall be floodproofed up to the level of two feet freeboard above the one percent annual chance (100-year) base flood elevation.
- (4) Encroachments, including fill, new construction, substantial improvements and other development are prohibited within the floodway or any floodplain district unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would

not result in any increase in flood levels during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken by a professional engineer and shall be submitted in sufficient detail to allow a thorough review by the director of community development or his designee. Hydrologic and hydraulic analyses shall not be required for properties affected only by coastal (tidal) flooding.

- (5) All new construction and substantial improved structures in Zone AO shall meet the following requirements:
  - a. The lowest floor, including basements, shall be at or above the highest adjacent grade and two feet above the FIRM's depth number.
  - b. Nonresidential structures may use ~~watertight~~ *dry* floodproofing in accordance with the Virginia Uniform Statewide Building Code in lieu of the finished grade requirement described herein.
  - c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
- (6) All new construction and substantial improvements in Zones V, VE, and Coastal A shall meet the following requirements:
  - a. The structure shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at least two feet above the base flood level. The pile of column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to effects of wind and water loads acting simultaneously on all building components. A registered design professional engineer or architect shall develop and seal the structural design, specifications and plans for the construction, and shall certify the design and methods of construction.
  - b. The space below the lowest floor shall be either free of obstruction or constructed with nonsupporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall collapse from water loads that are less than that which would occur during the base flood.
  - c. New construction shall be landward of reach of mean high tide.
  - d. Fill for structural support and alterations of sand dunes are prohibited.
- (7) The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access or storage, have permanent openings designed to allow the exit of floodwaters in accordance with the Virginia Statewide Building Code and Federal Code 44CRF Section 60.3 approved by the director of building safety and permits. *This requirement applies to all floodplain districts, including Zones V, VE and Coastal A.*
- (8) Prior to issuance of a certificate of occupancy, the owner of any structure located in a floodplain district shall submit a completed elevation certificate or floodproofing certificate from a registered professional engineer or architect, as appropriate, to the director of building safety and permits
- (9) *Accessory structures shall comply with elevation or floodproofing requirements in 24-595 (2) or shall conform to the following standards:*
  - a) *Not located in a floodway;*

- b) *Not be used for human habitation;*
- c) *Be limited to no more than 600 square feet in total floor area;*
- d) *Be usable only for parking of vehicles or limited storage;*
- e) *Be constructed with flood damage-resistant material to the level of two feet freeboard above the one percent annual chance (100-year) base flood elevation;*
- f) *Be constructed and placed to offer the minimum resistance to the flow of floodwaters;*
- g) *Be anchored to prevent flotation;*
- h) *All utilities, including but not limited to mechanical, plumbing and electrical systems and gas lines, shall be elevated or floodproofed up to the level of two feet freeboard above the one percent annual chance (100-year) base flood elevation;*
- i) *Shall be provided with flood openings which shall meet the following criteria:*
  - 1. *There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls;*
  - 2. *The total net area of all flood openings shall be at least one square inch for each square foot of enclosed area (non-engineered flood opening), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by ICC Evaluation Service, Inc.;*
  - 3. *The bottom of each flood opening shall be one foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening;*
  - 4. *Any louvers, screens or other covers for the flood opening shall allow the automatic flow of floodwaters into and out of the enclosed area.*

(910) All other federal and state permits shall be obtained by the applicant before a building permit can be issued.

- (b) It shall be the responsibility of the applicant to provide this data, certified by a licensed surveyor or engineer or other source acceptable to the director of building safety and permits.

(Ord. No. 31A-127, 10-29-90; Ord. No. 31A-249, 7-26-11; Ord. No. 31A-258, 11-22-11; Ord. No. 31A-286, 12-11-12; Ord. No. [31A-301](#), 10-13-15; Ord. No. [31A-306](#), 10-11-16)

#### Sec. 24-596. - Regulations for subdivisions and site plans.

The applicant of any subdivision of land or site plan within the county shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan is at an elevation lower than the one percent annual chance (100-year) flood level. Where a one percent annual chance (100-year) flood level exists, the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. Lots created after February 6, 1991, which are within a non-coastal (non-tidal) floodplain district, shall contain a natural, unfilled building site at least one foot above the one percent annual chance (100-year) flood elevation adequate to accommodate all proposed buildings. All buildings shall be constructed solely within such building site and outside of the one percent annual chance (100-year) flood plain. All proposals shall be consistent with the need to minimize flood damage.

(Ord. No. 31A-127, 10-29-90; Ord. No. 31A-228, 9-25-07; Ord. No. 31A-258, 11-22-11; Ord. No. [31A-301](#), 10-13-15)

Sec. 24-597. - Regulations for replacement manufactured homes.

- (a) Replacement manufactured homes shall be elevated on a permanent foundation ~~so that the lowest floor has two feet freeboard above the level of the one percent annual chance (100-year) flood elevation in accordance with the construction standards identified in Sec. 24-595.~~
- (b) In floodplain areas, replacement manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in either of the following arrangements:
  - (1) Over-the-top ties at each corner plus one frame tie at the middle of each side; or
  - (2) Frame ties at each corner plus no less than five evenly spaced additional frame ties per side.
- (c) All ties to the ground shall be able to carry a force of 4,800 pounds.

(Ord. No. 31A-127, 10-29-90; Ord. No. 31A-258, 11-22-11; Ord. No. [31A-301](#), 10-13-15)

Sec. 24-598. - Recreational vehicles.

Recreational vehicles placed on sites must either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use or meet requirements for placement, elevation and anchoring requirements for manufactured homes.

(Ord. No. 31A-127, 10-29-90)

Sec. 24-599. - Design criteria for utilities and facilities.

- (a) *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities shall be designed to eliminate infiltration of floodwaters into the systems up to the one percent annual chance (100-year) flood level and discharges from the systems into the floodwaters in accordance with the Commonwealth of Virginia, Department of Health, Sewage Collection and Treatment Regulations. In addition, they should be located and constructed to eliminate flood damage and impairment.
- (b) *Water facilities.* All new or replacement water facilities shall be designed to eliminate infiltration of floodwaters into the systems and shall be located and constructed to minimize or eliminate flood damages.
- (c) *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on site waste disposal sites.
- (d) *Septic tanks.* New or replacement septic tank drain fields shall be placed where they shall not be impaired or contaminated by a base flood. The Virginia Department of Health shall be consulted to verify compliance with this requirement.
- (e) *Utilities.* All utilities, such as gas lines, electrical and telephone systems, being placed in floodprone areas should be located and constructed to eliminate the chance of impairment during a 100-year flooding occurrence.



- (f) *Streets and sidewalks.* Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

(Ord. No. 31A-127, 10-29-90; Ord. No. [31A-301](#), 10-13-15)

Sec. 24-600. - Regulations for filling in flood fringe and approximated floodplain districts.

No permit shall be issued or approved until the site development plan for such fill meets the following requirements:

- (1) The filling of land shall be designed and constructed to minimize obstruction to and effect upon the flow of water and more particularly that:
  - a. Such fill will not result in any increase in flood levels during the occurrence of a one percent annual chance (100-year) flood discharge.
  - b. The flood-carrying capacity of the watercourse shall be maintained.
- (2) Fill shall be effectively protected against erosion by vegetative cover, riprap, gabions, bulkhead or other acceptable method. Any structure, equipment or material permitted shall be firmly anchored to prevent dislocation due to flooding;
- (3) Fill shall be of a material that will not pollute surface water or groundwater;
- (4) Where, in the opinion of the director of community development or his designee additional topographic, engineering and other data or studies are necessary to determine the effects of flooding on a proposed structure or fill and/or the effect of such structure or fill on the flow of water in flood stage, the applicant shall submit such data or studies.

(Ord. No. 31A-127, 10-29-90; Ord. No. 31A-228, 9-25-07; Ord. No. [31A-301](#), 10-13-15; Ord. No. [31A-306](#), 10-11-16)

Sec. 24-601. - Watercourse modification.

The Federal Insurance Administrator, adjacent jurisdictions and the Department of Conservation and Recreation, Division of Dam Safety and Floodplain Management shall be notified and all federal and state permits shall be obtained prior to the alteration or relocation of any watercourse. The flood-carrying capacity to such watercourse shall be maintained.

(Ord. No. 31A-127, 10-29-90; Ord. No. 31A-258, 11-22-11; Ord. No. [31A-301](#), 10-13-15)

Sec. 24-602. - Existing structures in floodplain districts.

A structure or use of a structure or premises which lawfully existed before the enactment of these regulations, but which is not in conformity with these regulations, may be continued subject to the following conditions:

- (1) Existing structures in the floodway district shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one percent annual chance (100-year) flood elevation flood elevation;
- (2) Any modification, alteration, repair, reconstruction or improvement of any kind to an existing structure and/or use located in any floodplain area to an extent or amount of less than 50 percent of



its market value shall be elevated to conform to the Virginia Uniform Statewide Building Code; and,

- (3) The substantial improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of these regulations and the Virginia Uniform Statewide Building Code and shall require that the entire structure be brought into full compliance with these provisions.

(Ord. No. 31A-127, 10-29-90; Ord. No. 31A-228, 9-25-07; Ord. No. [31A-301](#), 10-13-15)

Sec. 24-603. - Variances; factors to be considered.

- (a) *Factors in passing upon applications for variance.* In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any floodway district that will cause any increase in the one (1%) percent annual chance (100-year) flood elevation.
- (2) The danger that materials may be swept onto other lands or downstream to the injury of others.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The requirements of the facility for a waterfront location.
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (10) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
- (12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (13) *No variance shall be granted for any accessory structure to be wet floodproofed if that structure exceeds 600 square feet.*

~~(13)~~ (14) Such other factors which are relevant to the purposes of this section.

- (b) *Referral to qualified persons or agencies for technical assistance.* The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any

engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for flood protection and other related matters.

- (c) *Factors considered in variance application review.* In reviewing all variance applications, the board of zoning appeals shall consider the following factors:
- (1) Increases in flood heights;
  - (2) Additional threats to public safety;
  - (3) Extraordinary public expense;
  - (4) Creation of nuisances;
  - (5) Fraud or victimization of the public; and
  - (6) Conflicts with local laws or ordinances.
- (d) *Issuance.* Variances shall be issued only after the board of zoning appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.
- (e) *Notification of increased risk.* The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one percent annual chance (100-year) flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.
- (f) *Records of variance actions.* A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(Ord. No. 31A-127, 10-29-90; Ord. No. [31A-301](#), 10-13-15)

Secs. 24-604—24-613. - Reserved.

**ITEM SUMMARY**

DATE: 11/9/2017

TO: The Policy Committee

FROM: Roberta Sulouff, Senior Planner & Lauren White, Planner

SUBJECT: Zoning Ordinance Revisions to Permit Short-Term Residential Rentals - Stage III

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**ATTACHMENTS:**

	Description	Type
▣	Staff Memorandum	Staff Report
▣	Draft Ordinance Language - Section 24-2 (In General, Definitions)	Backup Material
▣	Draft Ordinance Language - Special Regulations (new Section 24-45)	Backup Material
▣	Draft Ordinance Language - A-1 Use List	Backup Material
▣	Draft Ordinance Language - R-1 Use List	Backup Material
▣	Draft Ordinance Language - R-2 Use List	Backup Material
▣	Draft Ordinance Language - R-3 Use List	Backup Material
▣	Draft Ordinance Language - R-4 Use List	Backup Material
▣	Draft Ordinance Language - R-5 Use List	Backup Material
▣	Draft Ordinance Language - R-6 Use List	Backup Material
▣	Draft Ordinance Language - R-8 Use List	Backup Material
▣	Draft Ordinance Language - MU Use List	Backup Material
▣	Draft Ordinance Language - PUD Use List	Backup Material
▣	Draft Homestay Special Use Permit Guidance Policy	Backup Material
▣	Draft Tourist Home Special Use Permit Guidance Policy	Backup Material



**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	11/3/2017 - 3:35 PM
Policy	Holt, Paul	Approved	11/3/2017 - 4:10 PM
Publication Management	Burcham, Nan	Approved	11/3/2017 - 4:28 PM
Policy Secretary	Secretary, Policy	Approved	11/3/2017 - 4:28 PM

## **M E M O R A N D U M**

DATE: November 9, 2017

TO: The Policy Committee

FROM: Roberta Sulouff, Senior Planner  
Lauren White, Planner

SUBJECT: Zoning Ordinance Revisions to Permit Short-Term Residential Rentals - Stage III

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### **HISTORY**

On July 13, 2017, the Policy Committee met to discuss initial planning for policies and ordinance amendments to address the emerging topic of short-term residential rentals. At that meeting, the Committee expressed interest in pursuing a hybrid approach to permitting such rentals, similar to the approach taken during the recent amendment process addressing rural event facilities. The Committee directed staff to research and develop draft Zoning Ordinance language to define and develop a permitting process for short-term residential rentals. Staff used this feedback as a guide in the research of permitting methods, performance standards and a potential policy to guide the review of legislative applications, and presented draft policy and Ordinance language at the Policy Committee's September meeting. Following the Committee's discussion of the draft language at its September 16 meeting, the Committee directed staff to proceed with finalizing the proposed language. Staff has worked to incorporate feedback from earlier meetings, as well as feedback from the County Attorney and the Commissioner of the Revenue, into revisions of the draft regulations for this Stage III meeting.

### **DRAFT REGULATIONS**

Staff has incorporated feedback from both the July 13, 2017 and September 16, 2017 meetings into the revised drafted ordinance and policy language. Revisions to the draft language are included as Attachment Nos. 1-13 and accomplish the following:

- In Section 24-2 (In General, Definitions):
  - Creates definitions for "homestay" "rental of rooms" and "transient."
  - Adds language to the existing definition of "tourist home" to more clearly differentiate its application from uses falling under the newly proposed "homestay" definition as well as to provide examples of potential uses.
- In Special Regulations:
  - Creates a permitting process for by-right homestay applications, including the following provisions:
    - A \$25 fee.
    - A requirement to provide an affidavit for proof of primary residence at the subject property.
    - A requirement to release tax information regarding the homestay use at the property.
  - Creates performance standards for the operation of by-right homestay uses, including the following standards:
    - Restricts operation of the homestay use to 180 days per calendar year and limits the rental to one contract party per night.
    - Prohibits the use of the homestay as an event space (for gatherings such as commercial meetings, banquets, parties, weddings and charitable fundraisers).

- Establishes parking requirements and prohibits on-street parking of commercial and/or oversized vehicles in conjunction with the homestay.
  - Prohibits signage related to the homestay use.
- In Section 24, Division V (Districts):
    - Adds “Homestay, to a maximum of one room, in accordance with Section 24-50” as a permitted use in the R-1, R-2, R-3, R-5, R-6, Planned Unit Development and Mixed Use districts.
    - Adds “Homestay, greater than one room” as a specially permitted use in the R-1, R-2, R-3, R-5, R-6, Planned Unit Development and Mixed Use Districts.
    - Adds “Homestay, in accordance with Section 24-50” with no room number restrictions, to the A-1, R-4 and R-8 Districts.
    - Includes changes to uses throughout the Use Lists to ensure consistency in the intensity of permitted uses and avoid any unintended loopholes in the application of the uses:
      - Removes room number specifications for the “Rental of Rooms” use, which is no longer a short-term use and is now regulated by the number and relationship of people in a dwelling rather than rooms.
      - Makes “Rental of Rooms” a specially permitted use in the R-3, R-4, R-5 and Mixed Use Districts.
      - Removes “Tourist Home” from the R-5 Use List; Tourist homes are proposed to be a higher-intensity use, more commercial in nature, and staff finds that such a use is inconsistent with the character of multi-family housing in situations where neighbors may be sharing walls.
  - Introduces a new administrative policy for guidance in the review of legislative homestay applications, as well as a separate policy to provide guidance in the review of tourist home application. The policies differ in an attempt to draw a distinction between the homestay use as residential in character and the tourist home use as more commercial in nature. For example, through the guidelines, staff intends the more intense use of tourist home to be more geographically constrained than the homestay use. Several potential SUP conditions are also written and included with this distinction in mind.

Staff seeks the committee’s feedback on the policies, as well as the inclusion of any other potential conditions. Based on information from our benchmark communities, one such possibility for inclusion in the proposed tourist home guidance might be the addition of a condition to ensure adequate notification to neighbors of the tourist home use at the subject property and ensuring a means for concern neighbors to contact the operator should concerns arise from the use at the property.

## **RECOMMENDATION**

Staff recommends that the Policy Committee recommend approval of the attached draft amendments to the Planning Commission for consideration at its December 3, 2017 meeting.

RS/LW/nb

ZO-RntlsStgIII-mem

Attachments:

1. Draft Ordinance Language - Section 24-2 (In General, Definitions)
2. Draft Ordinance Language - Special Regulations (new Section 24-45)
3. Draft Ordinance Language - A-1 Use List
4. Draft Ordinance Language - R-1 Use List
5. Draft Ordinance Language - R-2 Use List
6. Draft Ordinance Language - R-3 Use List
7. Draft Ordinance Language - R-4 Use List
8. Draft Ordinance Language - R-5 Use List
9. Draft Ordinance Language - R-6 Use List
10. Draft Ordinance Language - R-8 Use List
11. Draft Ordinance Language - MU Use List
12. Draft Ordinance Language - PUD Use List
13. Draft Homestay Special Use Permit Guidance Policy
14. Draft Tourist Home Special Use Permit Guidance Policy
15. Minutes from the September 16, 2017, Policy Committee Meeting

ORDINANCE NO. \_\_\_\_\_

**Chapter 24. Zoning**

**Article I. In General**

Sec. 24-2. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

**H**

*Highest adjacent grade.* Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic and scenic resource area.* Land managed by Colonial Williamsburg, the Jamestown-Yorktown Foundation, the National Park Service, York River State Park, the Virginia Association for Preservation of Antiquities, the Williamsburg Land Conservancy, or properties listed in the National Register, Virginia Historic Landmarks Register, or locally designated historic structures or districts, or Community Character Areas as defined in the Comprehensive Plan.

*Historic structure.* Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall also mean any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation program which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

*Home garden.* An accessory use in a residential district for the production of vegetables, fruits and flowers generally for use or consumption, or both, by the occupants of the premises.

*Home occupation.* Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and conducted solely by residents of the dwelling; provided, that:

- (1) The occupation or activity is conducted entirely within the dwelling; and
- (2) Not more than 25 percent of the first floor area is used throughout the structure for such occupation or activity; and
- (3) The occupation or activity requires no external alterations or the use or outdoor storage of machinery or equipment that creates noise, odor, smoke, dust or glare or is dangerous or otherwise detrimental to persons residing in the home or on adjacent property; and
- (4) No exterior evidence of the secondary use exists, with the exception of one sign, not to exceed four square feet. Such a sign must be attached to the dwelling and shall not be illuminated; and
- (5) No articles are displayed or otherwise offered for sale upon the premises; and
- (6) No equipment or process is used that may disrupt neighboring dwellings; and



- (7) Traffic is not generated in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street.

*Homestay.* The incidental and secondary use of a residential dwelling by residents of that dwelling to provide short-term lodging to transient occupants in exchange for compensation for that occupancy. Such accessory or secondary use shall not create a landlord-tenant relationship. The primary use of the homestay unit shall remain residential.

*Horizontal light bars/strips.* An illumination device erected in a way so there is no visible bulb, lens, globe, diode or other light source as desired and designed such that there is no light spillage beyond the intended object to be illuminated.

*Hospitals and mental health facilities.* Any facility in which the primary function is the provision of diagnosis, of treatment and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as sanatoriums, sanitariums, and general, acute, short-term, long-term, outpatient and maternity hospitals.

*Hotel.* A building designed or occupied as the more or less temporary abiding place for more than ten individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

*Hydrologic and hydraulic analysis.* Analyses performed by a licensed professional engineer in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

## R

*Radio frequency (RF) report.* A statement from a registered engineer demonstrating that electromagnetic radiation emitted from communications facilities, including all facilities that may already be attached, does or does not result in "public" exposure level outside the communications facilities that exceeds relevant FCC standards.

*Recreation facility, commercial.* A place designed and equipped for the conduct of leisure-time activities, sports or other customary and usual recreation activities and which is operated as a business.

*Recreation facility, community.* A place designed and equipped for recreational activities by the inhabitants of a residential or mixed use project and which is operated for noncommercial purposes by a developer, homeowner association, nonprofit organization or a governmental agency.

*Recreational vehicle.* A vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

*Rental of Rooms.* The non-transient rental of rooms in a residential dwelling in circumstances exceeding the definition of family (refer to the definition of "family"). This term shall not apply to group homes, timeshares, homestays or the rental of rooms in a dwelling which meets the definition of family.

*Residential club house.* A facility used by residents of the community for recreational purposes.

*Resort Hotel.* A building or group of buildings designed or occupied as the more or less temporary abiding place for more than ten individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms but may be accommodated for in suites or detached units. Resort hotel units, regardless of the structural arrangement, must meet the performance standards listed in section 24-45, Performance standards for resort hotels.

*Restaurant.* Any building in which, for compensation, food or beverages are dispensed for consumption on the premises including, among other establishments, cafes, tea rooms, confectionery shops or refreshment stands.

*Retail stores and shops.* Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards) such as the following which will serve as illustration: Drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique shop and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop and beauty shop.

*Retreat.* A private or secure place of refuge and education. A retreat can include temporary, short-term residential facilities, recreational amenities, and educational activities (e.g. for job training and life skills). Retreat facilities must be voluntary in nature, and are different from group homes, which must be licensed by the Department of Behavioral Health and Development Services. A caretaker must be present when guests/lodgers are on-site.

## T

*Theme park.* A park or garden facility that is based on a common theme and may include, but is not limited to, the following: exhibits, animal acts and displays, rides, shops and eating facilities encompassing a minimum of ten acres.

*Timbering.* Tree harvesting, cutting, or removal where the total amount of land on which tree cutting occurs exceeds 10,000 square feet, which is performed in accordance with accepted Virginia Department of Forestry best management practices for timber harvesting as determined by the state and which includes reforestation either by natural or artificial reforestation, or both. However, timbering shall not include:

- (1) Harvesting, cutting, removal or other clearing of trees in accordance with a site plan, subdivision plan, or building permit that is currently under review by the county or has received final approval; or
- (2) Removal of tree stumps or conduct of other land disturbing activities; or
- (3) Removal of dead, diseased, dying, or insect damaged trees.

~~*Tourist Home.* A dwelling where lodging or lodging and meals are provided for compensation for up to give rooms which are open to transients.~~

*Tourist Home.* A dwelling where lodging or lodging and meals are provided to transient occupants for compensation. This term shall not apply to homestays or rental of rooms (refer to the definition of "rental of rooms"). This use may include but shall not be limited to bed and breakfasts, boarding houses and the transient rental of an entire residential home which is not a primary residence.

*Trailer.* A structure standing on wheels towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

*Travel trailer.* A mobile unit less than 29 feet in length and less than 4,500 pounds in weight which is designed for human habitation.

*Tree.* For the landscaping requirements of this chapter, a tree shall be defined as a deciduous shade tree having a minimum caliper of 1-1/2 inches at planting or an evergreen tree at least eight feet in height and a minimum caliper of 1-1/4 inches if single stemmed at planting or eight feet in height if multi-stemmed at planting. The term "tree" shall not include ornamental trees as defined below.

*Tree, mature.* Any deciduous or evergreen tree with a minimum diameter breast height of 12 inches which is free of disease and significant damage.

*Tree, ornamental.* For the landscaping requirements of this chapter, an ornamental tree shall be defined as a deciduous or evergreen tree which if single stemmed is eight feet in height and has a minimum caliper of 1-1/4 inches at planting or if multi-stemmed has a height of eight feet at planting.

*Tree, specimen.* Any tree with a minimum diameter breast height of 24 inches which is free of disease and significant damage or which is notable by virtue of its outstanding size and quality for its particular species.

*Truck.* A motor vehicle designed to transport property on its own structure or to transport property on a trailer drawn by it. "Truck" is inclusive of "tractor trailer vehicle," " tractor truck," and "road tractor" and has a registered gross weight in excess of 10,000 pounds.

*Truck stop.* Any facility offering for sale fuel for commercial vehicles, trucks and automobiles and constructed and designed to enhance maneuverability and fueling of tractor trailer vehicles by the contouring of curbs and aprons, the placement and design of fuel pump islands or other such design criteria. In addition, a truck stop shall have the capability to fuel three or more tractor trailer vehicles at the same time and/or parking facilities for three or more such vehicles. The facility may include provisions for one or more of the following: repairs or maintenance of commercial vehicles and trucks; sleeping accommodations for commercial vehicles or truck crews; sale of parts and/or accessories for commercial vehicles or trucks; or a restaurant.

*Truck terminal.* A storage facility for the unloading, transferring and storing of goods and materials being transported by truck. A truck terminal may include facilities for the repair and servicing of trucks.

ORDINANCE NO. \_\_\_\_\_

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division I. In General**

***Sec. 24-50. Homestays***

*The following regulations shall apply to the permitting and operation of homestays within certain districts of the County.*

- (a) *Administration. The operation of homestays on appropriately zoned properties shall be permitted by administrative permit. This requirement shall not apply to properties where homestay is a specially permitted use; in such cases only the issuance of a Special Use Permit by the Board of Supervisors is required prior to operation of the homestay. Written application for a homestay permit shall be made to the planning director or his designee.*

*Such application shall be on forms provided by the county and shall be accompanied by the following:*

- 1. a fee;*
- 2. a written affidavit certifying the applicant's address of primary residence; and*
- 3. written authorization for the release of tax records to the Planning Division for the purpose of ensuring compliance with Section 24-50(b).*

*The written affidavit of address shall serve as proof of the operator's permanent residence at the property subject to the application.*

- (b) *Any operator of a homestay shall register the homestay with the planning division and the Commissioner of the Revenue per §15.2-983 of the Code of Virginia and County Code (xx-xx).*

*Upon review and determination that the homestay operation complies with the standards set forth in this section, the planning division shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked. The administrative permit shall be valid for a period not to exceed one (1) year from date of issuance, at which time the operator may apply to renew their permit.*

- (c) *Performance Standards. The following standards and conditions shall apply to the operation of homestays:*

- (1) An approved homestay application will permit a maximum of 180 days of rentals in each calendar year.*
- (2) A homestay shall not conduct simultaneous rentals under separate contracts.*
- (3) Commercial events, including but not limited to luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited.*

- (4) *Homestays shall provide off-street parking of a minimum one space per rooms rented, with a minimum of two total spaces.*
- (5) *No recreational vehicles, buses, or trailers shall be parked on the adjoining street or visible on the property in conjunction with the homestay use.*
- (6) *Signs, advertising, or any other display on the property indicating that the homestay unit is being utilized, in whole or in part, as a homestay are not permitted.*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1; SECTION 24-212, USE LIST.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 5. General Agricultural District, A -1**

Sec. 24-212. - Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32.	P	
	Accessory apartment, detached, in accordance with section 24-32.		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	<i>Homestay, in accordance with Section 24-50</i>	<i>P</i>	
	Manufactured homes that are on a permanent foundation.	P	
	Manufactured home parks in accordance with the special provisions of article IV.		SUP
	Single-family detached dwellings.	P	

	Two-family dwellings.		SUP
Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day care centers.		SUP
	Airports and landing fields, heliports or helistops and accessory uses.		SUP
	Animal hospitals, veterinary offices and kennels.		SUP
	Automobile graveyards.		SUP
	Automobile repair and service.		SUP
	Automobile service stations; if fuel is sold, then in accordance with section 24-38.		SUP
	Beauty and barber shops.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).		SUP
	Contractors' warehouses, sheds, and offices.		SUP
	Convenience stores; if fuel is sold, then in accordance with section 24-38.		SUP
	Day care and child care centers.		SUP

	Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
	Farm equipment sales and service.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet in area.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage.		SUP
	Gift shops and antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.	P	
	Home occupations, as defined herein.	P	
	Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
	Horse racing tracks.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals and nursing homes.		SUP
	House museums.	P	
	Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
	Lumber and building supply stores.		SUP
	Medical clinics.		SUP
	Nurseries.	P	
	Off-street parking as required by section 24-54.	P	



	Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
	Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
	Race tracks for animals or vehicles, including racing courses for power boats.		SUP
	Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
	Rental of rooms <del>to a maximum of three rooms.</del>		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Restaurants, taverns.		SUP
	Retreat facilities.		SUP
	Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.		SUP
	Retail sales of plant and garden supplies.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use but not for commercial purposes.	P	
	Slaughterhouses.		SUP
	Small-scale alcohol production.		SUP
	Tourist homes.		SUP

	Upholstery shops.		SUP
	Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, including agritourism activities, as defined in section 24-2.	P	
	Fish farming and aquaculture, but shall not include the processing of such products.	P	
	Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4, and 5.	P	
	General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.	P	
	Limited farm brewery.	P	
	Limited farm distillery.	P	
	Intensive agriculture as herein defined.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.	P	
	Storage and repair of heavy equipment as an accessory use to a farm.	P	
	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	

	Wineries, with accessory commercial facilities.		SUP
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations, rescue squad stations, volunteer or otherwise.		SUP
	Houses of worship and cemeteries accessory hereto.	P	
	Lodges, civic clubs, fraternal organizations or service clubs.		SUP
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions, public or private.		SUP
	Seminaries.		SUP
Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures; or multi-antenna systems greater than a height of 35 feet. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures that utilize alternative mounting structures; are camouflaged; or multi-antenna systems up to a height of 35 feet. All facilities shall comply with article II, division 6 of this chapter.	P	
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Telephone exchanges and telephone switching stations.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		SUP
	Utility substations.		SUP

	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.		SUP
	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with section 24-43.	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)		SUP
	Manufacture and sale of wood products.		SUP
	Solid waste transfer stations.		SUP
	Storage and repair of heavy equipment.		SUP
	Storage, stockpiling and distribution of sand, gravel and crushed stone.		SUP

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1; SECTION 24-232, USE LIST.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 3. Limited Residential District, R -1**

Sec. 24-232. - Use list.

In the Limited Residential District, R-1, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with Section 24-32	P	
	Accessory apartments, detached, in accordance with Section 24-32		SUP
	Accessory buildings or structures as defined	P	
	Group home or residential facility, for eight or fewer adults	P	
	<i>Homestay, to a maximum of one room, in accordance with Section 24-50</i>	<i>P</i>	
	<i>Homestay, greater than one room</i>		<i>SUP</i>
	Keeping of chickens in accordance with Section 24-47	P	

	Single-family detached dwellings contained within cluster development in accordance with article VI, division 1 of this chapter		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-233(a)	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre in accordance with section 24-233(b)		SUP
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers		SUP
	Child day care centers		SUP
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities	P	
	Golf courses, country clubs		SUP
	Home occupations as defined	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	<del>Rental of rooms to a maximum of three rooms</del>		SUP
	Retail food shops and food service establishments accessory to community recreation facilities		SUP
Civic Uses	Cemeteries and memorial gardens		SUP
	Fire stations		SUP
	Libraries		SUP

	Neighborhood resource centers		SUP
	Places of public assembly		SUP
	Publicly owned solid waste container sites		SUP
	Schools		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acre or more and dam heights of 25 feet or more		SUP
Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas,		SUP

	petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development are permitted generally and shall not require a special use permit		
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering in accordance with section 24-43	P	



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2; SECTION 24-252, USE LIST.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 4. General Residential District, R -2**

Sec. 24-252. - Use list.

In the General Residential District, R-2, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with Section 24-32	P	
	Accessory apartments, detached, in accordance with Section 24-32		SUP
	Accessory buildings or structures as defined	P	
	Group home or residential facilities, for eight or fewer adults	P	
	<i>Homestay, to a maximum of one room, in accordance with Section 24-50</i>	<i>P</i>	
	<i>Homestay, greater than one room</i>		<i>SUP</i>
	Keeping of chickens in accordance with section 24-47	P	
	Multifamily dwellings of between five and eight units, contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter		SUP

	Multifamily dwellings, up to and including four units, with a maximum gross density of one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter	P	
	Multifamily dwellings, up to and including four units, with a maximum gross density of more than one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including two units, in accordance with section 24-260		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, either	P	
	• in accordance with section 24-253(a), or		
	• contained within residential cluster development in accordance with article VI, division 1 of this chapter		
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre, either		SUP
	• in accordance with section 24-253(b), or		
	• contained within residential cluster development in accordance with article VI, division 1 of this chapter		
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers		SUP
	Barber and beauty shops		SUP
	Child day care centers		SUP
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities	P	

	Golf courses, country clubs		SUP
	Home occupations as defined	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Photography studios and sales, artists and sculptor studios		SUP
	Rental of rooms to a maximum of three rooms		SUP
	Retail shops accessory to community recreation facilities	P	
	Tourist homes		SUP
Civic Uses	Cemeteries and memorial gardens		SUP
	Fire stations		SUP
	Libraries		SUP
	Neighborhood resource centers		SUP
	Places of public assembly		SUP
	Publicly owned solid waste container sites		SUP
	Schools		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acre or more and with dam heights of 25 feet or more		SUP
Utility Uses	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP

	Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development are permitted generally and shall not require a special use permit		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;		
	(b) Distribution lines and local facilities within a development, including pump stations		

Open	Timbering in accordance with section 24-43	P	
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3; SECTION 24-273.2, USE LIST.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 4.1. Residential Redevelopment District, R -3**

Sec. 24-273.2. - Use list.

In the Residential Redevelopment District, R-3, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32		SUP
	Accessory buildings or structures as defined	P	
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	<i>Homestay, to a maximum of one room, in accordance with Section 24-50</i>	<i>P</i>	
	<i>Homestay, greater than one room</i>		<i>SUP</i>
	Independent living facilities		SUP
	Multifamily dwellings up to and including four units	P	

	Multifamily dwellings greater than four units	P	
	Single-family dwellings	P	
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers	P	
	Assisted living facilities		SUP
	Barber and beauty shops		SUP
	Business, professional and governmental offices		SUP
Commercial Uses	Child day care centers	P	
	Coin laundries which are accessory to other residential uses and for the primary use of its residents	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities	P	
	Continuing care retirement facilities		SUP
	Hospitals and mental health facilities		SUP
	Off-street parking as required by article II, division 2 of this chapter	P	
	Photography studios and sales, artist and sculptor studios		SUP
	Places of public assembly	P	
	Professional and business offices located in the same structure as and in conjunction with multifamily uses		SUP
	<del>Rental of one room</del>	<del>P</del>	

	<del>Rental of two or three rooms to a maximum of three rooms</del> <i>Rental of rooms</i>		<i>SUP</i>
	Retail shops accessory to community recreation facilities	P	
	Schools, libraries and fire stations	P	
	Skilled nursing facilities (nursing homes)		SUP
	Temporary offices in accordance with section 24-111		SUP
	Tourist homes		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acres or more and dam heights of 25 feet or more		SUP
Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way are permitted generally and shall not require a special use permit		SUP



	Telephone exchanges and telephone switching stations		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering in accordance with section 24-43	P	

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4; SECTION 24-281, USE LIST.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 5. Residential Redevelopment District, R -4**

Sec. 24-281. - Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32 and located in an area designated as "A" on the approved master plan		SUP
	Accessory buildings or structures, as defined	P	
	Apartments	P	
	Group homes or residential facilities for eight or fewer adults	P	
	Group homes or residential facilities for nine or more adults		SUP
	<i>Homestay, in accordance with Section 24-50</i>	<i>P</i>	
	Independent living facilities		SUP
	Multi-family dwellings (up to and including four dwelling units)	P	
	Multi-family dwellings (more than four dwelling units)	P	

	Single-family dwellings	P	
Commercial Uses	Accessory buildings or structures, as defined	P	
	Assisted living facilities	P	
	Automobile service stations; if fuel is sold, then in accordance with section 24-38	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional and governmental offices	P	
	Continuing care retirement facilities	P	
	Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores	P	
	Dinner theaters	P	
	Dry cleaners and laundries	P	
	Funeral homes, cemeteries and memorial gardens	P	
	Home occupations, as defined	P	
	Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields	P	
	Hospitals and mental care facilities	P	

	Hotels, resort hotels, motels, tourist homes and convention centers	P	
	Hunting clubs, conservation areas and preserves	P	
	Indoor theaters, museums, public meeting halls and outdoor entertainment, other than drive-in theaters	P	
	Medical clinics and offices	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Parks, playgrounds, golf courses, tennis courts, swimming pools and other public or private recreation areas	P	
	Photographer, artist and sculptor studios	P	
	Property maintenance facilities, sheds or garages	P	
	Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement	P	
	Rental of rooms to a maximum of three rooms	P	<i>SUP</i>
	Restaurants, fast food restaurants, tea rooms and taverns	P	
	Retail food stores, bakeries and fish markets	P	
	Skilled nursing facilities (nursing homes)	P	
	Yacht clubs, private or commercial marinas, boat storage and service facilities; if fuel is sold, then in accordance with section 24-38	P	
Civic Uses	Fire stations	P	
	Libraries	P	
	Post offices	P	

	Places of public assembly	P	
	Schools	P	
Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that comply with article II, division 6 of this chapter, only in areas with a designation other than residential on a board adopted master plan		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities	P	
	Telephone exchanges and telephone switching stations	P	
	Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit:		SUP
	(1) Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;		
	(2) Distribution lines and local facilities within a development; including pump stations.		

	Water impoundments, new or expansion of, 50 acres or more with dam heights of more than 25 feet		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
Open Uses	Timbering in accordance with section 24-43	P	

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 6, MULTIFAMILY PLANNED COMMUNITY DISTRICT, R-5; SECTION 24-305, USE LIST.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 6. Multifamily District, R -5**

Sec. 24-305. - Use list.

In the Multifamily Residential District, R-5, structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures as defined	P	
	Apartments	P	
	Group home or residential facilities, for eight or fewer adults	P	
	Group home or residential facilities, for nine or more adults		SUP
	<i>Homestay, to a maximum of one room, in accordance with Section 24-50</i>	<i>P</i>	
	<i>Homestay, greater than one room</i>		<i>SUP</i>
	Independent living facilities		SUP
	Multifamily dwellings containing two or more dwelling units	P	
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers	P	

	Assisted living facilities		SUP
	Barber and beauty shops		SUP
	Business, professional and governmental offices		SUP
	Child day care centers	P	
	Coin laundries which are accessory to other residential uses and for the primary use of its residents	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ballfields, tennis courts and other similar recreation facilities	P	
	Continuing care retirement communities		SUP
	Golf courses, country clubs		SUP
	Home occupations, as defined	P	
	Hospitals and mental health facilities		SUP
	Lodges, civic clubs, fraternal organizations, service clubs		SUP
	Marina, boat dock or waterfront recreational facilities	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Photography studios and sales, artist and sculptor studios	P	
	Professional and business offices located in the same structure as and accessory to multifamily uses		SUP
	<del>Rental of one room</del> Rental of rooms		SUP
	<del>Rental of two or three rooms to a maximum of three rooms</del>		SUP
	Restaurants which are accessory to permitted private clubs or marinas	P	



	Retail shops accessory to community recreation facilities	P	
	Skilled nursing facilities (nursing homes)		SUP
	Temporary offices in accordance with section 24-111		SUP
	<del>Tourist homes</del>	<del>P</del>	
Civic	Cemeteries and memorial gardens		SUP
	Fire stations	P	
	Libraries	P	
	Places of public assembly	P	
	Schools	P	
	Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
Utility	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to		SUP

	existing railroad rights-of-way and track and safety improvement in existing railroad rights-of-way are permitted generally and shall not require a special use permit		
	Telephone exchanges and telephone switching stations		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines, and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit		SUP
Open	Timbering in accordance with section 24-43	P	

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 7, LOW DENSITY RESIDENTIAL DISTRICT, R-6; SECTION 24-328, PERMITTED USES and SECTION 24-329, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

## **Chapter 24. Zoning**

### **Article V. Districts**

#### **Division 7. Low-Density Residential District, R-6**

##### **Sec. 24-328. - Permitted uses.**

In the Low-Density Residential, R-6, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, attached, in accordance with section 24-32.

Accessory buildings or structures as defined.

Agriculture, including land and buildings for accessory uses, such as forestry, farming, the raising of livestock, excluding hogs, and other agricultural pursuits.

Boat docks.

Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.

Home occupations as defined.

*Homestay, to a maximum of one room, in accordance with Section 24-50*

Horse or pony farms (including the raising and keeping of horses), riding stables or horse show areas.

Houses of worship.

Off-street parking, as required by section 24-54.

Preserves, conservation areas or hunting clubs.

Retail shops associated with community recreation facilities.

Schools, libraries and fire stations.

Single-family dwellings.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.

Sec. 24-329. - Uses permitted by special use permit only.

In the Low-Density Residential, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Accessory apartments, detached, in accordance with section 24-32.

Adult day care centers.

Cemeteries and memorial parks.

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.

Day care and child care centers.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Golf courses, county clubs.

Home care facilities.

*Homestay*

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Rental of rooms.

Telephone exchanges and telephone switching stations.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.

Water impoundments, new or expansion of, of 50 acres or more or with dam heights of 25 feet or more.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8; SECTION 24-348, PERMITTED USES and SECTION 24-349, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 8. Rural Residential District, R-8**

Sec. 24-348. - Permitted uses.

In the Rural Residential District, R-8, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, attached, in accordance with section 24-32.

Accessory buildings and structures.

Accessory uses, as defined herein.

Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures; or multi-antenna systems up to a height of 35 feet. All facilities shall be in accordance with article II, division 6 of this chapter.

Farmers' markets, limited in area to 2,500 square feet.

General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Home occupations, as defined herein.

*Homestay, in accordance with Section 24-50.*

Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.

House museums.

Nurseries.

Off-street parking as required by section 24-54.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Rest homes for fewer than 15 adults.

Site-built single-family detached dwellings and modular homes.

Slaughter of animals for personal use but not for commercial purposes.

Storage and repair of heavy equipment as accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

Sec. 24-349. - Uses permitted by special use permit only.

In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

Accessory apartments, detached, in accordance with section 24-32.

Adult day care centers.

Airports and landing fields, helistops or heliports and accessory uses.

Barber and beauty shops.

Business, governmental, and professional offices.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Child day care centers.

Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.

Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that are camouflaged; or multi-antenna systems greater than a height of 35 feet. All facilities shall comply with article II, division 6 of this chapter.

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities, but not those approved as a part of a planned unit development.

Convenience stores; if fuel is sold, then in accordance with section 24-38.

Drug stores.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a special use permit).

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled, or other developmentally disabled persons for more than five such persons.

Farm equipment sales and service establishments.

Farmers' markets over 2,500 square feet.

Feed, seed and farm supplies.

Fire stations or rescue squad stations, volunteer or otherwise.

Fish farming and aquaculture.

Flea markets, temporary or seasonal.

Food processing and storage, but not the slaughter of animals.

Food processing and storage in a residence.

Gift shops, antique shops.

Golf courses and country clubs.

Greenhouses, commercial.

Group quarters for agricultural workers.

Home care facilities.

Horse and pony farms with 50 or more animals.

Horse show areas, polo fields.

Hospitals.

Hotels and motels.

Houses of worship and cemeteries accessory thereto.

Hunting clubs.

Kennels.

Lodges, civic clubs, fraternal organizations, and service clubs.

Manufacture and sale of wood products.

Manufactured home parks.

Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.

Medical clinics or offices.

Neighborhood Resource Centers.

Nursing homes and facilities for the residence and/or care of the aged.

Photography, artist and sculptor studios.

Photography sales and arts and crafts shops.

Post offices and public buildings generally.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Raising of hogs.

~~Rental of rooms to a maximum of three rooms.~~

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail shops associated with community recreation facilities.

Retreat facilities.

Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions.

Seminaries.

Telephone exchanges and telephone switching stations.

Tourist homes.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Two-family dwellings.

Utility substations.

Veterinary hospitals.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

- (a) private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;
- (b) distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Wayside stands for sale of agricultural products over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.





ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 15, Mixed Use, MU; SECTION 24-518, USE LIST.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 15. Mixed Use, MU**

Sec. 24-518. - Use list.

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P	
	Accessory structures, as defined in section 24-2	P	
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Group quarters	P	
	Home care facilities	P	
	Home occupations, as defined	P	
	<i>Homestay, to a maximum of one room, in accordance with Section 24-50</i>	<i>P</i>	
	<i>Homestay, greater than one room</i>		<i>SUP</i>

	Independent living facilities	P	
	Multi-family dwellings up to and including four dwelling units	P	
	Multi-family dwellings more than four dwelling units	P	
	Single-family dwellings	P	
Commercial Uses	Accessory structures, as defined in section 24-2	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts shops	P	
	Assisted living facilities	P	
	Automobile rental	P	
	Automobile repair and service including tire, transmission, glass, body and fender, and other automotive products sales (new and/or rebuilt) and service with major repair under cover and storage of parts and vehicle storage screened from adjacent property by landscaping and fencing	P	
	Automobile service stations; if fuel is sold, then in accordance with section 24-38	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional and governmental offices	P	
	Campgrounds		SUP
	Child day care centers	P	

	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities	P	
	Continuing care retirement facilities	P	
	Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened with landscaping and fencing from adjacent property	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Employment services or agencies	P	
	Farmer's markets	P	
	Fast food restaurants		SUP
	Feed, seed and farm supply stores	P	
	Fish farming	P	
	Flea markets		SUP
	Funeral homes, cemeteries and memorial gardens	P	
	Gift stores	P	
	Golf courses		SUP
	Greenhouses and nurseries	P	
	Handicrafts stores	P	

	Health clubs, exercise clubs and fitness centers	P	
	Home occupations as defined	P	
	Hotels, motels, tourist homes and convention centers	P	
	Indoor sport facilities	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Limousine service	P	
	Lumber and building supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38		SUP
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution under cover or screened with landscaping and fencing from adjacent property		SUP
	Medical offices	P	
	Museums		SUP
	Off-street parking as required by article II, division 2 of this chapter	P	
	Office supply stores, secretarial and duplicating services	P	
	Parking lots and garages	P	
	Photographer, picture, artist and sculptor stores and studios	P	

	Plumbing and electrical supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
	Printing and publishing establishments	P	
	Property maintenance facilities, sheds or garages	P	
	Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement	P	
	<del>Rental of more than three rooms in a single family dwelling unit</del> <i>Rental of Rooms</i>		SUP
	<del>Rental of rooms to a maximum of three rooms</del>	P	
	Restaurants, tea rooms and taverns	P	
	Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods	P	
	Retail food stores, bakeries and fish markets	P	
	Security service offices	P	
	Shooting ranges, indoor		SUP
	Skilled nursing facilities (nursing homes)	P	
	Taxi services	P	
	Theme parks		SUP
	Truck stops; if fuel is sold, then in accordance with section 24-38		SUP

	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building)	P	
	Veterinary hospitals	P	
Agricultural Uses	Wineries		SUP
Civic Uses	Fire stations	P	
	Libraries	P	
	Nonemergency medical transport	P	
	Places of public assembly	P	
	Post offices	P	
	Schools	P	
Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and/or are camouflaged, and comply with article II, division 6 of this chapter.	P	
	Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Telephone exchanges and telephone switching stations	P	
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas,		SUP

	petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
	Water impoundments, new or expansion of	P	
Open Uses	Timbering in accordance with section 24-43	P	
Industrial Uses	Food processing and storage, but not the slaughter of animals	P	
	Heavy equipment sales and service, with major repair under cover or screened with landscaping and fencing from adjacent property	P	
	Heliports, helistops and accessory uses		SUP
	Hospitals and mental health facilities	P	
	Industrial and technical training schools	P	
	Machinery sales and service with major repair under cover	P	



	Manufacture and assembly of musical instruments, toys, novelties and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks and wine	P	
	Manufacture and processing of textiles and textile products in structures of not more than 5,000 square feet	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair and yarn in structures of not more than 5,000 square feet	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair and yarn in structures of 5,000 square feet and greater		SUP
	Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products	P	
	Manufacture of carpets and carpet yarns in structures of not more than 5,000 square feet	P	
	Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments	P	
	Petroleum storage		SUP

	Private streets within "qualifying industrial parks" in accordance with section 24-55	P	
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect	P	
	Publicly owned solid waste container sites		SUP
	Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way are permitted generally and shall not require a special use permit		SUP
	Research, development and design facilities or laboratories	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations		SUP
	Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property	P	
	Water well drilling establishments		SUP
	Welding and machine shops with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	

(Ord. No. 31A-141, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-150, 4-5-93; Ord. No. 31A-152, 8-16-93; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-184, 12-8-98; Ord. No. 31A-242, 7-14-09; Ord. No. 31A-276, 9-11-12; Ord. No. 31A-291, 8-13-13; Ord. No. 31A-293, 8-12-14; Ord. No. [31A-328](#), 11-8-16)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD; SECTION 24-493, USE LIST.

**Chapter 24. Zoning**

**Article V. Districts**

**Division 14. Planned Unit Development Districts, PUD**

Sec. 24-281. - Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32 and located in an area designated as "A" on the approved master plan		SUP
	Accessory buildings or structures, as defined	P	
	Apartments	P	
	Group homes or residential facilities for eight or fewer adults	P	
	Group homes or residential facilities for nine or more adults		SUP
	<i>Homestay, to a maximum of one room, in accordance with Section 24-50</i>	<i>P</i>	
	<i>Homestay, greater than one room</i>		<i>SUP</i>
	Independent living facilities		SUP

	Multi-family dwellings (up to and including four dwelling units)	P	
	Multi-family dwellings (more than four dwelling units)	P	
	Single-family dwellings	P	
Commercial Uses	Accessory buildings or structures, as defined	P	
	Assisted living facilities	P	
	Automobile service stations; if fuel is sold, then in accordance with section 24-38	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional and governmental offices	P	
	Continuing care retirement facilities	P	
	Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores	P	
	Dinner theaters	P	
	Dry cleaners and laundries	P	
	Funeral homes, cemeteries and memorial gardens	P	
	Home occupations, as defined	P	
	Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields	P	

	Hospitals and mental care facilities	P	
	Hotels, resort hotels, motels, tourist homes and convention centers	P	
	Hunting clubs, conservation areas and preserves	P	
	Indoor theaters, museums, public meeting halls and outdoor entertainment, other than drive-in theaters	P	
	Medical clinics and offices	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Parks, playgrounds, golf courses, tennis courts, swimming pools and other public or private recreation areas	P	
	Photographer, artist and sculptor studios	P	
	Property maintenance facilities, sheds or garages	P	
	Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement	P	
	Rental of rooms to a maximum of three rooms		SUP
	Restaurants, fast food restaurants, tea rooms and taverns	P	
	Retail food stores, bakeries and fish markets	P	
	Skilled nursing facilities (nursing homes)	P	
	Yacht clubs, private or commercial marinas, boat storage and service facilities; if fuel is sold, then in accordance with section 24-38	P	
Civic Uses	Fire stations	P	
	Libraries	P	

	Post offices	P	
	Places of public assembly	P	
	Schools	P	
Utility Uses	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.	P	
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that comply with article II, division 6 of this chapter, only in areas with a designation other than residential on a board adopted master plan		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities	P	
	Telephone exchanges and telephone switching stations	P	
	Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit:		SUP
	(1) Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;		

	(2) Distribution lines and local facilities within a development; including pump stations.		
	Water impoundments, new or expansion of, 50 acres or more with dam heights of more than 25 feet		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
Open Uses	Timbering in accordance with section 24-43	P	

## **Draft Homestay Special Use Permit Guidelines Policy**

### **Purpose:**

The purpose of the Homestay Special Use Permit Guidelines is to provide clear guidelines to the application for and review of special use permits allowing homestays in appropriately zoned areas.

### **Review Criteria:**

In addition to demonstrating compliance with all performance standards found in Sec. 24-50(b) of the James City County Zoning Ordinance, any application for a homestay requiring a special use permit shall demonstrate substantial conformance to the following provisions:

- i. The intensity of the proposed homestay operation, including the number of rooms proposed for rental, the amount of parking permitted, or the number of days of operation per year should complement the residential character of the area; and
- ii. Have traffic, noise, lighting, and other impacts similar to surrounding residential uses; and
- iii. Generally be located on collector or arterial roads, or, if within a platted subdivision, be located on a lot whose size, shape, or location within the subdivision limits impacts on adjacent residential properties; and
- iv. Provide adequate screening or buffering of guest parking or outdoor common areas.

### **Permit Conditions:**

In consideration of such an application and given the unique qualities of each proposed site, the Board of Supervisors may require conditions, in addition to the homestay permitting requirements found in Section 24-50(b), intended to limit the intensity and impacts of the use. These may include, but may not be limited to the following, as applicable:

- i. Access: No additional access, other than existing driveways or entries, shall be added to the subject property.
- ii. Occupancy: Occupancy of the homestay, at the time of rental, shall not exceed the total occupancy equal to double-occupancy for each bedroom at the subject property.
- iii. Parking: No on-street parking shall be allowed for this use.
- iv. Homestay Rooms: The Board of Supervisors may require a condition which limits the number of rooms for rent at a subject property.
- v. Length or Timing of Operation: The Board of Supervisors may require a condition which limits the operation of the proposed homestay to certain days of the week or which prohibits single-night rentals.
- vi. Rental Allowance: The Board of Supervisors may require a conditions which further restricts the number of rental nights allowed per 12-month period, beyond those restrictions enumerated in Section 24-50 of the James City County Zoning Ordinance.
- vii. Enhanced Landscaping: Conditions ensuring enhanced landscaping at the site to address issues of screening



## **Draft Tourist Home Special Use Permit Guidelines**

### **Purpose:**

The purpose of the Tourist Home Special Use Permit Guidelines is to provide clear guidelines to the application for and review of special use permits allowing tourist homes in appropriately zoned areas.

### **Review Criteria:**

While often occurring in residential areas and primarily operating in residential structures, the use of Tourist home is commercial in nature, does not presume a residential primary use of the home, and can include such uses as traditional bed and breakfasts or the short-term rental of entire homes by owners not residing at the property. As such, the impacts from this use may differ from other short-term residential rentals, such as homestays, which require that the primary use of the home remain residential. Any application for a tourist home requiring a special use permit shall demonstrate substantial conformance to the following provisions:

- i. The intensity of the proposed tourist home operation including the amount of parking permitted or the number of days of operation per year, should complement the residential character of the area; and
- ii. Have traffic, noise, lighting, and other impacts similar to surrounding residential uses; and
- iii. Generally be located on collector or arterial roads; and
- iv. Provide adequate screening or buffering of guest parking or outdoor common areas.

### **Permit Conditions:**

In consideration of such an application, and given the unique qualities of each proposed site, the Board of Supervisors may require conditions intended to limit the intensity and impacts of the use. These may include, but may not be limited to the following, as applicable:

- i. Access: No additional access, other than existing driveways or entries, shall be added to the subject property.
- ii. Occupancy: Occupancy of the tourist home, at the time of rental, shall not exceed the total occupancy equal to double-occupancy for each bedroom at the subject property.
- iii. Parking: No on-street parking shall be allowed for this use. No recreational vehicles, buses, or trailers shall be parked on the adjoining street or visible on the property in conjunction with the tourist home use.
- iv. Prohibition Against Signage: Restriction on signage or advertising indicating the tourist home use at the site
- v. Enhanced Landscaping: Conditions ensuring enhanced landscaping at the site to address issues of screening

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**September 14, 2017**  
**4:00 PM**

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**A. CALL TO ORDER**

Ms. Robin Bledsoe called the meeting to order at approximately 4 p.m.

**B. ROLL CALL**

Present:

Robin Bledsoe, Chair  
Rich Krapf  
Jack Haldeman  
Heath Richardson  
Danny Schmidt

Staff:

Paul Holt, Planning Director  
Ellen Cook, Principal Planner  
Tammy Rosario, Principal Planner  
Christy Parrish, Zoning Administrator  
Scott Whyte, Senior Planner II  
Jose Ribeiro, Senior Planner II  
Lauren White, Planner  
Roberta Sulouff, Planner  
Alex Baruch, Planner  
Tom Leininger, Community Development Assistant  
Maxwell Hlavin, Assistant County Attorney

**C. MINUTES**

1. August 10, 2017 Meeting Minutes

Mr. Jack Haldeman made a motion to Approve the August 10, 2017, meeting minutes.

The motion passed 5-0.

**D. OLD BUSINESS**

1. Zoning Ordinance Revisions to Permit Short-Term Residential Rentals, Stage II

Ms. Bledsoe opened the discussion.

Ms. Sulouff stated that at the July Policy Committee meeting the Committee directed staff to come up with an approach addressing short-term residential rentals. She stated

that the Committee expressed interest in pursuing a hybrid approach which would create a system in which short-term residential rental uses would be subject to permitting and performance standards based on the intensity of the application. She stated that there are some by-right processes as well as an SUP process. She stated that staff proposes definitions to homestay, rental of rooms and tourist homes. She stated that staff have also included a proposed use list and a matrix which shows what is permitted by-right depending on the zoning district and intensity of the application. Ms. Sulouff stated that staff recommends performance standards. She stated that staff is seeking Policy Committee guidance on the draft language and the performance standards and that staff will make changes to the draft ordinance based on the feedback of the Policy Committee. She asked if there were any questions.

Mr. Richardson asked how the 180-day limit for 12 months was decided.

Ms. White stated that the 180-day mark would help keep the home's primary use as a residential property.

Ms. Sulouff stated that guidance from Building Safety and Permits suggested that 180 days is part of their requirements for a single-family home.

Mr. Schmidt asked if the homestay fees would be equitable and fair to the current bed and breakfast and hotels.

Ms. Sulouff stated that the administrative permit was designed for an application process, low in intensity and residential in character. She stated that the idea was to create a spectrum from mostly residential in use to mostly commercial in use.

Mr. Schmidt asked if there would be an annual reapplication.

Ms. Sulouff stated that this could be a provision. She stated that applicants would have to pay the transient occupancy tax.

Ms. Bledsoe stated that shared economy is happening and there are rentals already available. She stated that her concern would be if it was fair to hotels and paying of taxes. She stated that the General Assembly has given the County the ability to begin a database.

Mr. Haldeman stated that he was still unclear regarding the existing and proposed definitions.

Ms. Sulouff stated she would be able to describe each definition.

Mr. Haldeman asked why there are three different types of short-term rentals.

Ms. Sulouff stated that currently there are two uses: rental of rooms and tourist homes. She stated that under this proposal rental of rooms would be taken out of the transient category. She stated that rental of rooms would only address long-term rentals over and above the family definition. She stated that rental of rooms includes a landlord and tenant relationship. Ms. Sulouff stated that homestays depend on the intensity of the application and require a permanent resident and the renter cannot exceed 180 days a year. She stated that the tourist home does not require a permanent resident at the home. She stated that tourist home allows for commercial entities such as bed and breakfasts.

Mr. Haldeman asked which definition would require an administrative process.

Ms. Sulouff stated that a homestay would be permitted by-right with an administrative permit in all districts for one bedroom. She stated that homestays would be permitted by-right for any number of rooms for R-8, R-4 and A-1 districts.

Mr. Krapf stated that if a homeowner wants to rent out more than one room, depending on the zoning district, an SUP would be required.

Ms. Sulouff confirmed and stated that A-1, R-4 and R-8 do not require an SUP. She stated that for R-4 and MU, the amended ordinance is to remain consistent with the way that short-term rentals are permitted currently.

Mr. Schmidt asked how fire safety was included in the new ordinance.

Ms. Sulouff stated that the issue for fire safety is the ability to enforce it.

Ms. Rosario stated that the best route would be for staff to reconnect with Building Safety and Permits.

Ms. Sulouff stated that some other localities do enforce fire safety and require a yearly inspection. She stated that a complaint from another citizen could also require an inspection.

Mr. Richardson stated that hotels are required to have fire inspections and safety standards.

Ms. Bledsoe stated that sites like Airbnb require inspections; however, other advertising sites may not.

Mr. Schmidt asked if there would be any legal issues with the County if there would be a fire or accident.

Ms. Bledsoe stated that she believes the issues would fall on the homeowner.

Mr. Hlavin concurred that the County would not be accountable.

Mr. Schmidt stated that there could be a way to enforce fines on homestays if applicants do not comply.

Ms. Sulouff stated that the Homeowners Association (HOA) still overrides the policy of the County.

Mr. Richardson stated the policy of the County will help HOAs establish their policy.

2. Potential Amendments to the R-8, Rural Residential and Cluster Overlay Districts - Stage I

Ms. Robin Bledsoe opened the discussion.

Mr. Alex Baruch stated that on April 11, 2017, the Board of Supervisors (BOS)

adopted an initiating resolution. He stated that the BOS initiated amendments of the R-8, Rural Residential District and Residential Cluster Development, in order to address the provision of age-restricted housing, independent living facilities and specially permitted density bonuses. He stated that the memorandum provides background information about age-restricted housing, independent living facilities, the R-8 District and the Cluster Overlay District. He stated that the memorandum provides information about the potential amendments that could result from the language of the initiating resolution. He stated that staff would appreciate feedback from the Policy Committee in preparation for the November Policy Committee meeting.

Ms. Bledsoe asked Committee members if they had any questions.

Mr. Jack Haldeman stated that he was unsure on how he would quantify the need for age-restricted housing. He stated that the Comprehensive Plan detailed the growth of older aged people. He stated that there were not any figures that would quantify the need. He stated that many residents would prefer to age in place.

Ms. Bledsoe asked Mr. Haldeman to clarify if he was unsure of the need of 55 and older age-restrictive housing or the need for Continuing Care Retirement Community (CCRC) facilities.

Mr. Haldeman stated that he does not know what the need is for either of them. He stated that there is a difference between the people that already live here and want to stay here and the other group that are looking to move to James City County later in life and want a place that can take care of them. He asked if the residents of James City County see a need for more age-restrictive housing and if James City County believes more age-restrictive housing is needed.

Ms. Bledsoe stated that the need is already there with the variety of living facilities located around the County. She stated that this need is a product of the Baby Boomers and that many of them wish to reside here.

Mr. Haldeman asked how many more units would be needed and how do we encourage more facilities.

Mr. Heath Richardson stated that there is not a matrix showing the need compared to the population. He stated that the Parks & Recreation Department has done a lot of studies on the aging demographic. He stated that he did not know if other communities had a matrix on the need for assisted living facilities based on population.

Mr. Baruch stated that he was not aware of localities having such matrices; however, many of the adjacent localities discuss the need of age-restrictive living facilities in their Comprehensive Plans.

Mr. Richardson stated that Williamsburg Landing started the conversation. He stated that it would help if Mr. Baruch walked him through the Williamsburg Landing application process.

Mr. Baruch stated that the amendment would affect the County as a whole and that the initiating resolution asked staff to investigate R-8, Rural Residential, Residential Cluster Development, independent living facilities age-restricted housing and specially permitted density bonuses. He stated that by examining the items in the initiating resolution, staff

put together a list of amendments and implications in the memorandum. Mr. Baruch stated that the changes would impact properties in the R-8, Rural Residential Zoning District within the Primary Service Area (PSA) that are over two acres in size. Mr. Baruch stated that if a property met those criteria, under the new Ordinance they could apply for an age-restricted independent living facility. Mr. Baruch stated that he wanted to make it clear that the Williamsburg Landing Proposal and the initiating resolution are separate items with different directives.

Mr. Baruch stated that the Williamsburg Landing rezoning and Special Use Permit (SUP) proposal would add 135 independent living facility units to a 15.5-acre parcel of land. He stated that the units are split between apartments and duplexes. Mr. Baruch stated that the applicant came to the Development Review Committee (DRC) to gather insight about the proposal from the Planning Commission sub-committee. Mr. Baruch stated that independent living facilities are considered a residential use and proffers could not be accepted because of state legislation and direction from the BOS. Mr. Baruch stated that the applicant had moved through the Master Plan and SUP process up to Planning Commission consideration; however, some impacts could not be addressed via SUP conditions that would have been addressed by proffers. He stated that one of the impacts the application could not address without proffers include age restriction of the residents of the independent-dwelling units. Mr. Baruch stated that the applicant had met all of the submittal requirements and was ready to move forward to the Planning Commission, but decided to defer the case indefinitely when the initiating resolution was presented to the BOS.

Ms. Bledsoe stated the subject property is separate from the current Williamsburg Landing property.

Mr. Baruch stated the new parcel was not shown on the existing current Williamsburg Landing Master Plan.

Mr. Haldeman stated that the BOS approved the new mixed-use zoning ordinance. He asked if there is still a need to change the ordinance of other zoning districts since mixed-use allows age-restrictive housing and independent living facilities.

Mr. Baruch stated that the properties would still need to be rezoned to mixed-use and be fewer than five acres to take advantage of the ordinance amendment.

Mr. Haldeman stated that the mixed-use ordinance change increases the potential supply of properties that could be used for an independent living facility.

Mr. Krapf stated that proposals for this particular use will be market-driven. He stated that the Policy Committee's role is from a land use standpoint. He stated that the Comprehensive Plan has the demographics and that the County is an aging community.

Mr. Haldeman asked if the changes to the uses for the zoning district are aligned with the residents.

Ms. Bledsoe stated that the parcel that Williamsburg Landing wants to expand on is unique from the ordinance changes presented. Ms. Bledsoe asked how the Cluster Overlay District was added.

Mr. Krapf stated that it was an effort to increase density.

Mr. Baruch stated that the cluster overlay could allow 1-4 units per acre.

Ms. Bledsoe asked to skip to the potential amendments.

Mr. Baruch stated that the definition of independent living facilities could be amended to add an age restriction to the definition. He stated that the definition could be re-examined to make sure the definition is up-to-date.

Mr. Richardson asked how the age restriction would replace a proffer.

Mr. Baruch stated that a proffer for an independent living facility would state that an affidavit to verify the age of the residents of the facility would be required to be kept on file. Additionally, he stated that by amending the definition other classifications, such as disabilities, would be included.

Mr. Baruch stated that the next amendment would be to include specific details on the services that needed to be done at the facility.

Ms. Bledsoe asked why the first change would not include the services.

Mr. Baruch stated that the current definition does not specifically state that services are required.

Mr. Baruch stated that the third amendment would include a clarification of the types of units allowed on the parcel.

Ms. Cook stated that the type of unit for the independent living facility must be one of the unit types currently allowed in the zoning district.

Mr. Haldeman asked if the changes would affect the definition of independent living facility in all of the residential zoning districts that allow the use.

Mr. Baruch confirmed.

Mr. Krapf asked if the cluster overlay overrides the zoning district.

Mr. Baruch confirmed.

Mr. Krapf asked if the changes to independent living facility would be overridden by the cluster overlay.

Mr. Baruch stated that the definition would extend across the zoning ordinance whenever independent living facilities were addressed.

Ms. Bledsoe stated that she had a concern as to why the cluster overlay was included in the initiating resolution.

Mr. Danny Schmidt stated that the density would increase.

Mr. Krapf stated that the tradeoff is higher density for more open space and other amenities. He stated that the cluster overlay removes some of the sprawl effect.

Mr. Baruch asked if the Policy Committee would like staff to continue with drafting the amendment.

Ms. Bledsoe confirmed.

Mr. Baruch stated that the next amendment would include the independent living facility contained within residential cluster development to the R-8 Residential District use list.

Mr. Baruch stated that the next change would be to allow for the independent living facility use to utilize cluster overlay in the R-8 Zoning District.

Mr. Schmidt asked if there were any parcels zoned R-8 outside the PSA.

Mr. Baruch stated that there are parcels outside the PSA. He stated that the cluster overlay states that the parcel must be two acres or more and within the PSA.

Ms. Bledsoe stated that she would like staff to move forward.

Mr. Baruch stated that the table regarding the differences between the current R-8 ordinance and the potential R-8 ordinance with cluster overlay is included in the memorandum along with the previously discussed changes.

Ms. Bledsoe asked if another facility similar to Williamsburg Landing could potentially be built.

Mr. Baruch stated that there are several factors to whether or not a facility like Williamsburg Landing would be built in other parts of the County. He stated that the R-8 Zoning District is intended to be rural and low density. He stated that the 1-4 units per acre would limit the density of the parcel.

Mr. Krapf asked for a summary of the final paragraph of the memorandum.

Mr. Baruch stated that the intent of the final paragraph was to ask the Policy Committee if they would like staff to go through the use list and bring the list up-to-date for the uses related to age-restricted living facilities.

Ms. Bledsoe stated that staff can go forward with the list.

Mr. Baruch stated that staff would do a strike-through version to allow Policy Committee members to see the changes.

Mr. Haldeman asked if uses such as grocery stores and pharmacies would be added to the use list as well.

Mr. Baruch stated that they would not be added to the use list because the initiating resolution did not ask staff to look into those.

Ms. Bledsoe asked if there were any questions.

## **E. NEW BUSINESS**



1. Adoption of a Revised Policy for Remote Participation in Meetings by Commission Members

Ms. Bledsoe opened the floor for discussion.

Mr. Hlavin stated that state law has changed regarding the participation policy. He stated that the new law is two meetings per year for remote participation.

Mr. Richardson asked if it was calendar year or fiscal year.

Mr. Hlavin stated that it is for the calendar year.

Mr. Paul Holt stated that the new law includes two remote participations for Policy Committee, two for DRC and two for Planning Commission.

Ms. Bledsoe asked if there were any questions. There were none.

Ms. Bledsoe asked the Policy Committee members if they were okay with forwarding the revised policy to the Planning Commission.

The Committee members concurred.

2. Potential Amendments to Address Formerly Proffered Policies and Impact Mitigation Items: Cover Memo - Stage I

Ms. Bledsoe opened the floor for discussion.

Mr. Hlavin stated that these potential amendments were previously covered by proffers. He stated that he is trying to get the amendments into the zoning ordinance.

Ms. Cook stated that the cover memorandum summarizes the topics and sets the stage for items that were previously covered by proffers. She stated that four topics are presented today. She stated that the water conservation topic would be handled by the James City Service Authority.

3. Potential Amendments to Address Formerly Proffered Policies and Impact Mitigation Items: Streetscape Policy - Stage I

Ms. Bledsoe opened the floor for discussion.

Mr. Whyte stated that the streetscape policy has been in place since 1999. He stated that the policy was created based on the 1997 Comprehensive Plan recommendations. He stated that the policy was amended in 2004 and 2010. He stated that the goal was to preserve a tree canopy along residential streets and to achieve a 20% canopy coverage within a 20-year period. He stated that the policy has worked well for the past 18 years. He stated that the policy has been applied to a countless number of cases. He stated that the policy has been reinforced by the Community Appearance Guide. Mr. Whyte stated that staff recommends two revisions. He stated that staff recommends amending the subdivision section of the zoning ordinance by drafting new streetscape ordinance language and requiring all new subdivisions to plant street trees on both sides of the street. He stated that staff recommends modeling the ordinance after York County's street tree ordinance and that the previous streetscape policy was also modeled after

York County. He stated that staff recommends keeping the existing streetscape policy in place to cover the approved subdivisions that have not been built out.

Mr. Haldeman asked if the marked-up version of the ordinance is the new streetscape guidelines policy.

Mr. Whyte stated that it was not the new policy and he will have an amended version for the Committee for the next meeting.

Ms. Bledsoe asked if the Committee wants staff to move forward.

Mr. Krapf confirmed and the rest of the committee agreed.

4. Potential Amendments to Address Formerly Proffered Policies and Impact Mitigation Items: Bicycle and Pedestrian Accommodations and Transportation Impact Analysis - Stage I

Ms. Bledsoe opened the floor for discussion.

Mr. Baruch stated that at the BOS and Planning Commission work session they asked staff to research the ability to add transportation, bicycle and pedestrian accommodations as binding master plan elements as well as reviewing and amending the zoning ordinance if necessary. He stated that transportation impacts created by developments requiring legislative approval are addressed by three administrative policies and corresponding submittal requirements. He stated that the first accommodation is the Pedestrian Accommodation Master Plan, which was implemented as a binding resource in determining pedestrian accommodation requirements external to a development unless required by the pedestrian accommodation section of the zoning ordinance. He stated that the second is the Regional Bikeways Plan, which encourages the coordinated development of a comprehensive system of bikeways throughout the region. He stated that the third policy is the Traffic Impact Analysis Submittal Requirements Policy, which provides guidance to applicants regarding the minimum content required for a traffic impact analysis. Mr. Baruch stated that some examples are multi-use paths, turn lanes and traffic lights. He stated that these improvements are limited without the use of proffers. He stated that the staff suggests the Policy Committee consider including the language in Section 24-35 Pedestrian Accommodation to extend the requirements of the section to bicycle facilities per the adopted Regional Bikeway Plan. He stated that unlike bicycle and pedestrian accommodations, general traffic impact improvements cannot be addressed through submittal or master plan requirements because there is no ability through state code to do so. He stated that staff can look into how other localities handle traffic improvements. He stated that staff would take any feedback to bring to the Stage II meeting.

Mr. Richardson stated that in the past members of the public have expressed concern with bicycle improvements.

Mr. Krapf stated that the bikeway plan is a regional bikeway plan requiring other localities to partner in as well.

Mr. Holt stated that without proffers, there is no way to implement the Regional Bikeway Plan.

Mr. Schmidt asked if York County and the City of Williamsburg are doing the same.

Ms. Sulouff stated that the City of Williamsburg did not accept proffers before; however, they put more funding towards bike and pedestrian impacts.

Mr. Baruch stated that York County does have certain aspects of the bike plan in their ordinance. He stated that staff can bring some additional benchmarks to show how other localities are handling bikeways. He stated that many localities have pedestrian accommodations.

Mr. Holt stated that the City of Williamsburg maintains its own right-of-ways. He stated that they do not go through the Virginia Department of Transportation (VDOT).

Mr. Krapf asked if the Committee would like staff to look at traffic impacts.

Ms. Bledsoe confirmed.

Mr. Baruch stated that submittal requirements could be a way to get the impacts upfront; however, there is not any enabling legislation to allow that change. He stated that staff will look at other localities for examples. He stated that off-site improvements cannot be achieved unless VDOT requires the improvement.

Mr. Holt stated that staff may not be able to come up with a solution to mitigate traffic impacts. He stated that VDOT cannot require off-site traffic improvements.

Ms. Sulouff stated that a traffic impact analysis can still be required for any case that reaches 100 peak hour trips. She stated as examples of off-site improvements, that there is no way to compensate for turn lanes or traffic signals.

Mr. Krapf asked if an applicant states they will build turn lanes would that be like a proffer.

Mr. Holt stated that staff would have to go by the applicant's word as no proffers for residential rezoning can be accepted.

Mr. Haldeman asked if these are minimal changes to the County.

Mr. Holt stated that the changes are worth it in staff's recommendation.

Ms. Sulouff stated that off-site changes cannot be included on a master plan.

Mr. Baruch stated that adding bike lane requirements to the pedestrian accommodation section of the zoning ordinance would mandate that any new major subdivision or site plan would be reviewed in accordance with the pedestrian accommodations section.

5. Potential Amendments to Address Formerly Proffered Policies and Impact Mitigation Items: Archaeological Policy - Stage I

Ms. Bledsoe opened the floor for discussion.

Ms. White stated that the Archaeological Policy was adopted in 1998. She stated that

the policy seeks to identify and protect areas where significant archaeological potential exists. She stated that according to the submittal requirements, the submission of a Phase 1A Archaeological Study is required for all sites identified as ultra- or highly-sensitive on the Comprehensive Plan. She stated that for all legislative cases, the Archaeological Policy suggests adding a condition or a proffer that requires a Phase 1 study prior to land disturbance. She stated that a Phase 1 study identifies and defines the actual site boundaries for any identified archaeological resources. She stated that the policy also lays forth any procedures and guidelines to follow when staff interpret the condition or proffer. She stated that staff suggests including the contents of the current Archaeological Policy into a zoning ordinance.

Mr. Schmidt stated that he did not have any questions and that he agreed.

Ms. Bledsoe stated that she did not have any questions.

6. Potential Amendments to Address Formerly Proffered Policies and Impact Mitigation Items: Natural Resource Policy - Stage I

Ms. Bledsoe opened the floor for discussion.

Mr. Ribeiro stated that the Natural Resource Policy was modeled after the Archaeological Policy and was adopted in 1999. He stated that James City County is part of the Chesapeake Bay ecosystem. He stated that the policy applies to SUP applications and rezoning applications. He stated that a submittal requirement for a legislative case is that a natural resource inventory is submitted. He stated that if the inventory confirms that a natural resource exists, then further steps are taken. He stated that a management plan and/or mitigation plan would then be required. He stated that York County has a requirement for submittal of a natural resource inventory as part of their submittal requirements. He stated that staff recommends adding the Natural Resource Policy to the zoning ordinance.

Ms. Bledsoe stated that she supports the change.

Mr. Krapf asked if the current policy includes the Biological and Conservation Data system to identify natural resources.

Mr. Ribeiro stated that there was a study called the Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia. He stated that the study identifies areas of importance.

Mr. Krapf asked if new provisions need to be added to the new ordinance.

Mr. Ribeiro stated that staff will make sure to capture all aspects of the Natural Resource Policy.

Ms. Bledsoe asked if there are any questions. There were none.

## **F. ADJOURNMENT**

Mr. Krapf made a motion to Adjourn. The motion passed unanimously.

Ms. Bledsoe adjourned the meeting at approximately 5:45 p.m.